

Fair Political Practices Commission

Memorandum

To: Chairman Getman, Commissioners Downey, Knox, and Swanson

From: Scott Burritt, Executive Fellow
Mark Krausse, Executive Director

Subject: Legislative Report

Date: June 27, 2002

Introduction

	Important Deadlines
June 15, 2002	Constitutional deadline for budget bill passage.
July 5, 2002	Summer recess begins (Legislature returns August 5)

Action Items — Commission Discussion

AB 13 Flores PRA Amendment

Expands the definition of lobbyist by expanding the definition of “administrative action” to include the solicitation, proposal, drafting, development, consideration, awarding, amendment, implementation, oversight, or funding of any contract between a state agency and any person, under which the person provides goods or services to the state agency.

AB 3051 Papan Independent Expenditure Disclosure 6/17/2002

Requires independent expenditure advertisements costing \$5,000 or more (including mass mailings and 200 or more substantially similar prerecorded telephone messages) to disclose the names of the two highest contributors of the committee making the independent expenditure, the cost of the advertisement, whether the advertisement is in opposition to or support of a candidate, and to include a disclaimer that the advertisement was not produced in coordination with any candidate. **Commission position: neutral. In Senate Appropriations.**

Informational Items — Bills Amending the PRA

Disclosure

AB 690 Wesson Telephone Advocacy 8/21/2001

Provides that a candidate, committee or other organization may not expend campaign funds to pay for 1,000 or more similar telephone calls to support or oppose a candidate or ballot measure unless the name of the organization that authorized or paid for the call is disclosed during the course of each call. Amendments taken to require committee to retain script or recording of call. **In Senate Appropriations.**

LEGISLATIVE REPORT

Bill No.	Author	Title	(Intro)/Amend
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(Disclosure cont.)

AB 2642	Maddox	Eliminates Duplicate Campaign Filing Requirement	6/13/2002
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Provides the Secretary of State authority to eliminate campaign reporting filings at the local level for state committees. Passed Senate Elections. **In Senate Appropriations. Commission position: oppose unless amended.**

SB 3	Brulte	Telephone Advocacy	5/22/2001
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Prohibits a candidate, committee or slate mail organization from using campaign funds to pay for telephone calls to support or oppose a candidate or ballot measure unless the call announces that it was paid for or furnished by the candidate, committee or slate mail organization. Also amends the definition of "mass mailing" to provide greater specificity and expressly include items delivered by any means to a recipient's home, business, place of employment or post office box. **In Assembly Elections. Commission position: Oppose unless amended.**

SB 2095	Johnson	Independent Expenditure Disclosure	5/8/2002
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This bill requires the Secretary of State to add to its website independent expenditures linked to state candidates and initiatives with respect to whom the independent expenditures were made. Commission requested amendments which were taken on June 25, 2002. **Passed Assembly Elections. In Assembly Appropriations. Commission position: Support.**

Bipartisan Commission on Internet Political Practices

SB 879	Brulte	Internet Commission	6/18/2002
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This bill would extend the deadline for submittal of the Commission's final report to December 31, 2003, and re-appropriate the funds allocated to the commission. **Passed Assembly Elections; re-referred to Assembly Appropriations.**

SEI/Ethics

AB 1791	Runner	Statements of Economic Interest	6/17/2002
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Requires that 87200 filers and designated employees file their statements of economic interest within 10 days of their first day of employment. Would require filing officer to notify consultants whether or not they have a filing obligation. Prohibits the Commission from taking action against filing officer in lieu of taking action against an individual filer. Passed Senate Elections. **In Senate Appropriations. Commission position: Oppose.**

AB 1797	Harman	Conflict of Interest; Disqualification	5/13/2002
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Requires office holders specified in Section 87200 who have identified a financial interest in a decision to: (a) publicly state the nature of the conflict, except the disclosure of an exact street address of a residence is not required; (b) recuse himself or herself; (c) leave the room until the matter is concluded, unless the matter is on the consent calendar. Passed Senate Elections. **In Senate Appropriations. Commission position: Oppose.**

LEGISLATIVE REPORT

Bill No.	Author	Title	(Intro)/Amend
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SEI/Ethics (Cont.)

AB 3022	Committee	State Agencies: Ethics Orientation	3/7/2002
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This bill would expand ethics training requirements to include all employees of a state agency who are required to file statements of economic interest. It would require attendance at the orientation course at least once every 2 years. **In Senate Rules. Commission position: Support, if amended.**

SB 584	Committee	FPPC-Sponsored SEI Loan Bill	4/2/2002
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Eliminates the requirement to for SEI filers to disclose loans from commercial lending institutions made during the normal course of business. Passed Assembly. **In Senate; awaiting concurrence vote. Commission position: Sponsorship.**

SB 1620	Knight	Section 87200 SEI Filers	6/17/2002
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Would require appointees to newly created state and local boards and commissions to provide full SEI disclosure. Passed Assembly Elections. **In Assembly Appropriations.**

SB 1781	Johnson	Increase of SEI Violation Penalties	2/21/2002
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This bill would increase the maximum penalty for failing to disclose an economic interest on the Statement of Economic Interest from \$5,000 to \$10,000. Additionally, for unreported economic interests exceeding a value of \$500,000, the Commission may add monetary penalties of the base amount, plus 1% of the unreported economic interest. **Died in Senate Elections.**

SB 1782	Johnson	Consultant Required to File SEIs	2/21/2002
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Defines consultant as anyone who performs substantially the same duties as an individual holding a position that is listed in the agency's conflict-of-interest code, or who is retained to make decisions that involve the making, or participation in the making, of decisions that may foreseeably have a material effect on financial interest. Agencies wishing to exempt consultants from filing SEIs must seek approval from the Commission, which shall maintain a list of all consultants so exempted. **Died in Senate Elections.**

SB 1783	Johnson	Reportable Economic Interest	2/21/2002
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For purposes of reporting economic interests, this bill expands the term jurisdiction to include the state of California for local SEI filers. **Died in Senate Elections.**

SB 1850	Poochigian	SEIs Filed 10 days After Statement of Candidacy	4/10/2002
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Currently candidates must file SEIs at the same time they file their declarations of candidacy. This bill would extend the deadline for candidates to file their SEIs to 10 days after the last day to file their declarations of candidacy. Passed Assembly Elections. **In Assembly Appropriations.**

LEGISLATIVE REPORT

Bill No.	Author	Title	(Intro)/Amend
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Conflicts

AB 2366	Dickerson	Financial Interests in Small Jurisdictions	4/10/2002
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Provides that in jurisdictions with populations of 10,000 or less, retail sales income from a customer representing up to 1% of revenues would not be considered a disqualifying financial interest if the customers of the business constitute a significant segment (10%) of the public generally. The exception would apply regardless of whether 1) the customer affected by a governmental decision is a primary source of income to the public official or 2) the effect of the decision on the customer is significantly different from its effect on other retail customers. Passed Senate Elections. **Commission position: Oppose.**

Campaign

AB 2134	Longville	Public Financing of Campaigns	2/20/2002
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This proposed initiative, known as the Campaign Finance Reform Act of 2004, would repeal the ban on public moneys in elections. Creates a system of matching contributions to legislative candidates. Provides the Commission with funding and the administrative mandate to carry out provisions of the bill. If approved by the legislature, this proposed initiative directs the Secretary of State to place it on the ballot on the March 4, 2004 election. **In Assembly Appropriations suspense file.**

SB 1741	Johnson	Loan Identification on LCRs	2/21/2002
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Requires late contribution reports to indicate whether contribution was a loan. Passed Assembly Elections. **In Assembly Appropriations.**

SB 1742	Johnson	Return of Contributions to Candidate	2/21/2002
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Prohibits candidates from returning contributions made by the candidates to their own campaigns or controlled committees. Passed Assembly Elections. **In Assembly Appropriations.**

Miscellaneous

AB 1500	Hertzberg	Statewide Initiatives; Procedures	6/13/2002
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This bill would require that initiative proponents provide all names of contributors of more than \$100 for the previous 12 months to the Secretary of State within 30 days of requesting a title and summary. Requires committees that receive or spend \$1,000 or more to file monthly campaign reports. Requires committees that receive \$5,000 or more to electronically report contribution within 48 hours. Committees must disclose name and amount of contribution of top five contributors on mass mailers. This bill is the vehicle for the findings of the Speaker's Commission on the California Initiative Process and is expected to be substantially amended before being moved out of the Senate. Passed Senate Elections. **In Senate Appropriations.**

SB 300	McPherson	Bipartisan Commission recommendations	5/29/2002
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Deletes the requirement that elected officials who do not maintain committees file semi-annual campaign statements, provided they have made no expenditures and have collected no contributions. This bill would prohibit the solicitation of campaign contributions using state office space, facilities, telephone, computer or other equipment or during face to face meetings in state offices. **In Assembly Elections.**

LEGISLATIVE REPORT

Bill No.	Author	Title	(Intro)/Amend
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Miscellaneous (Cont.)

AB 2082	Longville	Public Inspection of Campaign statements	6/17/2002
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This bill would allow any elector of a county or municipality to seek a writ of mandate requiring that a ballot summary or title be amended. **Passed Senate Elections.**

SB 1806	Knight	Contributions to Governor During Bill Signing Period	2/22/2002
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Would prohibit a person or a small contributor committee from making contributions to the governor during the period extending 30 days before, and ending the day after, the last day a governor may sign bills into law following adjournment of the legislature. **Failed in Senate Elections May 1, 2002.**

SB 1975	Johnson	Primary Election	6/19/2002
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Would move the date of the statewide direct primary election. Commission staff is working to address issues concerning filing deadlines.